

Meeting Minutes
Mercury Citizen Advisory Committee
December 12, 2001
Madison Public Library, Room 204
Madison WI

Facilitator: Bert Stitt

Members Attending: Jim Wise, Environmentally Concerned Citizens of Lakeland Areas; Eric Uram, Sierra Club; Steve Hiniker, Citizens Utility Board; Mark Looze (alternate), Wisconsin Environmental Decade; Russ Ruland, Muskellunge Club of Wisconsin; Annabeth Reitter, Wisconsin Paper Council; Jeff Schoepke, Wisconsin Manufacturers & Commerce; Bill McClenahan, Forest County Potawatomi Community; Kathleen Standen, Wisconsin Electric; Joe Shefchek, Alliant Energy; Wayne Stroessner, Random Lake Association; John Coleman, Great Lakes Indian Fish & Wildlife Commission; Bill Skewes, Wisconsin Utility Association; and Kevin Crawford (alternate), Municipal Electric Utilities of Wisconsin.

Others Attending: Roy Johnson, ESA; Ed Wilusz, Wisconsin Paper Council; and Lloyd Eagan, Jon Heinrich, Tom Karman, Lance Potter and Anne Bogar, DNR.

Check-In

Bert Stitt conducted a check-in with Committee members asking that they say how they were and identify their expectation for today's meeting. Members were ready to work.

Welcome

Lloyd Eagan welcomed the group and summarized Secretary Bazzell's expectations for the Committee (memorandum to Committee dated December 12, 2001.) Bert facilitated a round on the Secretary's expectations. Generally, members understood and appreciated the Secretary's comments however, there was a range of opinions on the priority of this issue. Not all members share the Secretary's priority of this issue. Members appreciated the clarification that the group does not need to reach consensus.

Minutes of November 16 Meeting

The Committee approved the minutes of the November 16, 2001 meeting without changes.

Agenda Review

Several items were added to the Parking Lot and it was agreed that the Committee would address Parking Lot issues before the Closing Round.

Priority Setting Exercise Follow-Up

A handout summarizing the results of the Committee's priority setting exercise was distributed. Bert asked members if anything was missing. Joe Shefchek asked how the issue of including a provision in the rule that lets the federal rule take precedence when promulgated. After discussion and clarification, it was agreed that this would be a parking lot issue to be dealt with later as the Committee moved through issues. Eric Uram asked how the Committee will deal with issues not identified as high priorities. Bert responded that the Committee will identify must

and then might issues and work through those first. Other issues will be summarized. In order to get the work done, the Committee needs to stay on task and work through priority issues. Committee members agreed to this.

Annabeth Reitter asked how the Committee will deal with issues that come up. Bert suggested that the Committee deal with pop-up or new issues by putting them at the end of the agenda. He suggested that if, however, the Committee agrees that it is a high intensity item, they deal with it and put the rules on deferring it aside. Committee members agreed to this.

Jim Wise asked why “monkey wrench” issues were weighted so heavily. Bert responded that monkey wrench issues will pop up and slow the process down and take the group’s energy if they are not identified ahead of time. It was agreed that Tom Karman will add footnotes to the priority matrix chart to define how the priority and monkey wrench issues were determined.

Bill Skewes asked if offsets could be added in parentheses to the new sources issue. It was agreed that this would be added.

Bert led the Committee through an exercise to identify the issues as “must, might or summary” items. Must items were defined as those issues that the Committee must work through and report on to the DNR Secretary. The Committee discussed how many votes defined a “must” issue and then agreed that any issue with six votes and all monkey wrench issues would be “must” issues. This gives the Committee 12 top priority issues to work through. The Committee agreed that any item with zero votes would be a summary item and the “might” issues were those with more than zero but less than six votes and no monkey wrench issues.

Committee Report

The Committee was presented with a very basic outline prepared by staff that listed headings:

- 1) Statement
- 2) Alternative Views
- 3) Relevant Data
- 4) Recommendations/Level of Consensus.

Kathleen Standen presented an alternative outline that included the following headings:

- 1) Purpose of Rule
- 2) Expected Outcome
- 3) Assessment of Outcome Rulemaking
- 4) Impact on State Electricity Infrastructure
- 5) Recommendations for Rule Changes and Alternatives
- 6) Assessment of State versus Regional/National Action

Bert conducted a round asking members to assess the two outlines for the report. Generally, the Committee supported both outlines and could try to use both of them

in constructing the report. No one objected to a suggestion that the Impact section of Kathleen's outline could address health and rate impacts also.

Schedule Future Meetings

Bert asked the Committee members to think about how often they needed to meet to finish work by the February to March target date. A round was conducted. There was agreement to meet more frequently but to make the work substantive and to meet no longer than four hours as the Committee has been doing. Meetings from 9:30 – 1:30 were set for the following dates in 2002: Wednesday, January 9; Friday, January 18; Wednesday, February 13; Tuesday, February 26 and Wednesday, March 6.

Technical Advisory Group

Tom Karman listed the issue briefs the Technical Advisory Group (TAG) is working on. These include environmental assessment, baseline determination, compliance, emission credits, control technologies (includes assessments of multi-pollutant options, current cost estimate, current technologies), federal MACT rules, variance, periodic evaluation and alternative compliance. He noted that three conference calls (December 19 at 9:30, January 3 at 11:00 and January 10 at 1:00) and one meeting (January 16 at 10:30) are scheduled.

Tom distributed a handout that showed the TAG priorities, the Committee's priorities and the issue briefs being prepared. He noted that the TAG and Committee priorities match-up well and that there are issue briefs being prepared for all of the priority items of the Committee.

Neil Howell, Department of Administration, presented the TAG's technical brief on baseline determination to the Committee. He outlined the process the TAG used to develop and review the drafts and walked the Committee through the brief.

Members wrote questions on yellow stickies and these were posted on flipcharts. The Committee worked it's way through the questions. The Committee had an extended discussion on mercury and health issues and the impact of the proposed rule on human health. Steve Hiniker asked for references to basic documents that describe the health impacts of mercury in the environment. Kathleen Standen noted that it would be helpful to have an analysis of the health effects that would address: health impacts of mercury in Wisconsin; mercury deposition on lakes in the state; impact of the proposed rule on fish advisories; and amount of mercury deposition in Wisconsin from in-state sources. Steve Hiniker said it would be helpful to get a synthesis of information and viewpoints on the rationale by DNR for doing the rule and to address Kathleen's points.

It was suggested that the TAG develop a list of references on health effects for the Committee. It was also suggested that the TAG consider adding a health representative to the group.

The Committee discussed how to handle issues of concern to the Committee that the TAG is not addressing. It was noted that most of those concerns were a lower priority for the Committee and the issues should be let go at this time. Also, it was

agreed that the TAG can take up other issues that the Committee want it to address, with an assessment as each issue comes up. The Committee also suggested that the TAG consider expanding its charge so that it could address other technical issues, not just rule implementation issues. The Committee discussed whether it would like to be briefed on each TAG issue brief. It was agreed that the Committee preferred to get the briefs by email and not use Committee meeting time for them except for high priority issues. The Committee agreed there should be a presentation on the control technologies issue brief.

It was agreed that the agenda item on expert presentations and questions the Committee did not get to would be addressed at the next meeting and that the TAG update would be moved to an earlier slot in the meeting agenda. Also, a process will be set to verify email messages (Russ Ruland is not getting all emails.)

Next Agenda

The following items were agreed to be included in the next meeting agenda:

- 1) Usual agenda items (including parking lot issues)
- 2) Revisit and confirm new levels of priorities
- 3) Revisit report outline & develop it more
- 4) TAG follow-up
- 5) Response to Wayne's questions
- 6) Expert presentations
- 7) Looking at Public comments
- 8) Today's parking lot issues

Closing Round

Bert conducted a closing round with the Committee members. Generally, it was noted that progress is being made but there is a lot of work to do.